

STATE OF CALIFORNIA

Inter-Departmental Communication

To: [Honorable Edmund G. Brown
Governor of California
State Capitol
Sacramento, California

Date: June 25, 1959

File No.

Subject: A. B. No. 1448
Bill Report

From: Office of the Attorney General
Department of Justice

Doris H. Maier
Deputy Attorney General

This bill adds to Part 4 of the Penal Code, Title 4, commencing with Section 13500, relating to standards for recruitment and training of local law enforcement officers, and makes an appropriation therefor.

It creates in the Department of Justice a Commission on Peace Officer Standards and Training, consisting of nine members appointed by the Governor after consultation with and with the advice of the Attorney General, and with the advice and consent of the Senate. Five of the members must be either sheriffs, chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police. Two must be elected officers or chief administrative officers of counties of this State and two must be elected officers or chief administrative officers of cities in this State. The Attorney General is an ex officio member of the Commission. Of the member first appointed by the Governor, three are appointed for a term of one year, three for a term of two years and three for a term of three years. Their successors are to serve for a term of three years and until appointment and qualification of their successors. Each term is to commence on the expiration date of the term of the predecessor.

The Attorney General is to summon the first meeting of the Commission. The Commission is to select the chairman and vice-chairman from among its members and five members of the Commission shall constitute a quorum.

The members of the Commission would receive no compensation for their services but would receive travel expenses.

The Commission can employ an executive secretary and, pursuant to civil service, clerical and technical personnel.

The Commission may adopt rules relating to physical, mental and moral fitness governing the recruitment of peace officers and rules governing their training in those cities, counties or cities or counties receiving state aid pursuant to the bill.

There is created in the State Treasury a Peace Officers' Training Fund which is appropriated without regard to fiscal years, exclusively for costs of administration for grants to local governments pursuant to the bill.

A 5 percent assessment would be levied on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses other than a fine, penalty or forfeiture for violation of the Vehicle Code or any local ordinance relating to the stopping, standing, parking or operation of a vehicle, and other than for a violation of the Fish and Game Code. When a fine is suspended in whole or in part, the penalty assessment is to be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which the section applies, the person making the deposit must also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If the bail is forfeited, the amount of the assessment is to be transmitted by the court clerk to the county treasury and thence to the State Treasury. If bail is returned, the assessment made pursuant to the section shall also be returned.

After a determination by the court of the amount due, the court clerk is to collect the same and transmit it to the county treasury. It is then to be transmitted to the State Treasury and deposited in a Peace Officers' Training Fund.

In cases where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment if the payment would work a hardship on the person convicted or his immediate family.

The Commission would allocate annually to each city, county and city and county which agree to adhere to the Commission's standards for recruitment and training, moneys from such fund to reimburse the local governments in an amount not to exceed one-half of the salary paid to each peace officer meeting the recruitment standards and participating in the training, plus one-half of the necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence overnight.

Honorable Edmund G. Brown
Page 3 - A. B. No. 1448

In the event the moneys in the Peace Officers' Training Fund budgeted by the Commission for such salary reimbursement are insufficient to allocate such amount to each participating local unit, the amount allocated is to be reduced proportionately, and in no event is the allocation to be made to the local unit which has not, throughout the period covered by the allocation, adhered to the recruitment and training standards established by the Commission as applicable to personnel recruited or trained by such local unit during such period.

The Commission would also be empowered to make necessary inquiries to determine whether counties and cities receiving such aid are conforming to the Commission's standards. It can adopt rules necessary to carry out the provisions of the law and to do all things necessary to enable it to fully and adequately perform its duties and to exercise its powers.

This bill has been and is supported by the State Peace Officers' Association, as well as the Department of Justice, and there are no legal objections to the measure.

M. Maier
Doris H. Maier

DHM:md

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SAN DIEGO 4, CALIFORNIA
PHONE: ATWATER 1-2886

SACRAMENTO ADDRESS
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STATE CAPITOL

COMMITTEES
PUBLIC HEALTH
MILITARY AND VETERANS
AFFAIRS
CIVIL SERVICE AND
STATE PERSONNEL
CRIMINAL PROCEDURE

Assembly California Legislature

GEORGE G. CRAWFORD

ASSEMBLYMAN, SEVENTY-NINTH DISTRICT

CHAIRMAN

MILITARY AND VETERANS AFFAIRS

June 26, 1959

The Honorable Edmund G. Brown
Governor State of California
State Capitol
Sacramento, California

Dear Governor:


Assembly Bill No. 1448 has been placed before you for your approval, and I shall greatly appreciate your favorable consideration of this measure.

This bill would establish a 9 member commission, to be appointed by yourself in conjunction with the Attorney General and with the advice and consent of the Senate.

The purpose of this commission is to raise the level of competence of local law enforcement officers. Further this legislation would establish a Police Officer's Training Fund which would be derived from penalty assessment of 5 percent levied from every criminal fine. This assessment would not apply to violation of the Fish and Game Code, nor to motor vehicle fines.

This is a minimum explanation of the bill, however, I shall be most happy to meet with you for the purpose of further discussion, if you so desire.

Sincerely,


GEORGE G. CRAWFORD,
Assemblyman, 79th District

GGC:sj

LEAGUE OF CALIFORNIA CITIES

MEMBER AMERICAN MUNICIPAL ASSOCIATION

"WESTERN CITY" OFFICIAL PUBLICATION

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Berkeley 5, California
July 1, 1959

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Mr. Julian Beck
Legislative Secretary
Governor's Office
State Capitol
Sacramento 14, California

Re: AB 1448

Dear Julian:

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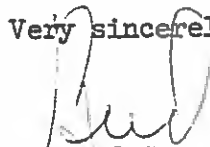
CURTIS TUNNELL
Mayor, Santa Maria

ARCHIE L. WALTERS
City Attorney, Burbank

I know that the Governor is thoroughly familiar with AB 1448 because he participated as Attorney General in a program designed to provide minimum police recruitment and training standards. The bill is the result of very extensive consideration given to such standards by joint committees of the League of California Cities, the County Supervisors Association, the California Peace Officers Association, a committee of the Attorney General's office and the Peace Officers Research Association. These groups included police chiefs, sheriffs, city managers and county supervisors as well as the staffs of the several organizations.

We believe that AB 1448 provides a sound cooperative program on the part of State and local government to improve standards of recruitment and availability of training for peace officers. The standards are permissive and need be approved only by those who desire to take advantage of the act. Standards will be prepared by the representatives of local government and we have every reason to believe that these standards will be substantially similar to standards already approved and circulated by the above-named organizations. The Governor's approval of AB 1448 is respectfully requested by the Board of Directors of the League of California Cities.

Very sincerely,



Richard Carpenter
Executive Director
and General Counsel

RC:sc

STATE OF CALIFORNIA

SACRAMENTO 14

Interdepartmental Communication

Date: July 1, 1959

To: Honorable Edmund G. Brown
Governor of California

Subject: AB # 1448

Attention: Mr. Julian Beck
Legislative Secretary

From: Department of Finance—Budget Division

HISTORY, SPONSOR AND PURPOSE:

This measure was sponsored by the Peace Officers' Association in the belief that State co-ordination of local police training will strengthen enforcement in this State. The Department of Justice has supported this measure and the Attorney General has appeared on its behalf before the Legislature.

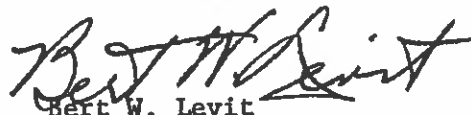
FINANCIAL EFFECT AND COMMENT:

The administrative costs of this program will approximate \$25,000 annually, exclusive of grants to local agencies. Under the terms of this measure all support will be paid out of the Peace Officers' Training Fund, consisting of levies on fines for criminal offenses. There is no provision for General Fund participation.

The Controller's records for the last fiscal year indicate \$12,000,000 in revenue was received by the cities and counties for fines on criminal offenses, exclusive of driving violations. Assessing 5%, as provided in the bill, would have produced revenue for the Peace Officers' Training Fund in the amount of \$600,000.

RECOMMENDATION:

Approval recommended.


Bert W. Levit
Director of Finance

BWL:bf
108738

RALPH N. KLEPS
LEGISLATIVE COUNSEL
ANGUS C. MORRISON
CHIEF DEPUTY
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STATE OF CALIFORNIA
Office of Legislative Counsel

3021 STATE CAPITOL, SACRAMENTO 14
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July 1, 1959

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REPORT ON ASSEMBLY BILL NO. 1448.

CRAWFORD.

SUMMARY: Adds Title 4 (commencing with Sec. 13500) to Pt. 4, Pen. C., re hiring and training of local peace officers.

Creates, in Department of Justice, Commission on Peace Officer Standards and Training, consisting of the Attorney General and 9 members appointed by the Governor subject to Senate confirmation, who would receive no compensation but would receive travel expenses. Five of the members would be peace officers in city police departments or county sheriff's offices, 2 would be elected officers or chief administrative officers of cities, and 2 would be similar personnel from counties. The commission could employ an executive secretary and, pursuant to civil service, clerical and technical personnel.

The commission would adopt rules, relating to physical, mental, and moral fitness, governing hiring of peace officers, and rules governing training, in those cities and counties receiving state aid pursuant to the bill.

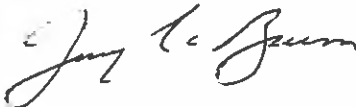
A 5 percent assessment would be levied on every fine, penalty, and forfeiture imposed and collected by any court for a criminal offense, other than traffic offenses and offenses under the Fish and Game Code. These assessments would be deposited in a Peace Officers' Training Fund in the State Treasury, which is appropriated, without regard to fiscal years, for grants to counties and cities and for costs of administration, pursuant to the bill. The commission would

allocate to cities and counties which agree to adhere, and do adhere, to the commission's standards for hiring and training, moneys from such fund to reimburse the counties and cities for part of the salaries of peace officer participating in training and certain incidental expenses. The commission would be empowered to make necessary inquiries to determine whether counties and cities receiving aid are conforming to commission standards. The commission could adopt rules necessary to carry out the provisions of the law and could do all things necessary to enable it fully and adequately to perform its duties and to exercise its powers.

FORM: Approved. TITLE: Approved.

CONSTITUTIONALITY: Approved.

Ralph N. Kleps
Legislative Counsel

By 

Terry L. Baum
Deputy Legislative Counsel

TLB:es

BILL MEMORANDUM

Date: July 7, 1959

To: GOVERNOR BROWN

From: Julian Beck

Assembly BILL No. 1448

By Crawford

Ayes 28
VOTE: Senate Noes 5 - Berry, Christensen, Montgomery, Regan and Williams.
Ayes 71

Assembly Noes 2 - Shell and Unruh.

Assembly - concurred in Senate amendments 54-0.

Assembly Bill 1448 creates the Commission on Peace Officer Standards and Training for the purpose of increasing recruitment standards for peace officers, and sets up provisions where there may be a facility to train such officers. Funds, which are estimated to be in the amount of \$600,000 annually, will be derived from a 5% addition to all fines for criminal offenses,-- (also forfeiture of bail)-- except traffic and Fish and Game offenses.

The Commission would consist of the Attorney General and nine members appointed by the Governor, subject to Senate confirmation. All are to be peace officers or administrative officers of the cities and counties of the State.

The Commission would adopt rules relating to the physical, mental and moral fitness governing the hiring of peace officers and rules governing the training of such officers in those cities and counties which receive State aid pursuant to the measure. The State aid can not exceed 50% of the cost, and this amount is reduced if revenue is not available.

You are familiar with this proposal because I believe the idea originated during your term as Attorney General.

In the Senate there were five votes against the proposal, in the Assembly two (Shell and Unruh)

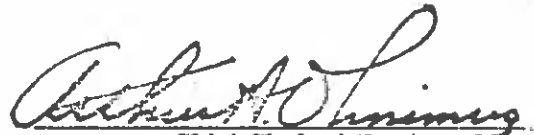
Approved by the Attorney General's Office, the State Peace Officers Association; League of California Cities, Department of Finance.

Recommendation: Approve

(One wire from Father Francis Keane, of Camarillo, asked a veto of the bill).

Assembly Bill No. 1448

Passed the Assembly June 18, 1959


Chief Clerk of the Assembly

Passed the Senate June 17, 1959

Secretary of the Senate

This bill was received by the Governor this 24th

day of June, 1959, at 11 o'clock A.M.


Private Secretary of the Governor

CHAPTER-----

An act to add Title 4 (commencing with Section 13500) to Part 4 of the Penal Code, relating to standards for recruitment and training of local law enforcement officers, and making an appropriation.

The people of the State of California do enact as follows:

SECTION 1. In enacting this legislation the Legislature finds that vocational training and the enforcement of state laws are matters of statewide interest and concern.

SEC. 2. Title 4 (commencing with Section 13500) is added to Part 4 of the Penal Code, to read:

TITLE 4. STANDARDS AND TRAINING OF
LOCAL LAW ENFORCEMENT OFFICERS

CHAPTER 1. COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING

Article 1. Administration

13500. There is in the Department of Justice a Commission on Peace Officer Standards and Training, hereafter referred to in this chapter as the commission. The commission consists of nine members appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate, of whom five must be either sheriffs or chiefs of police or peace officers nominated by their respective sheriffs or chiefs of police, two must be elected officers or chief administrative officers of cities in this State, and two must be elected officers or chief administrative officers of counties of this State, as well as the Attorney General, who shall be an ex officio member of the commission. Of the members first appointed by the Governor, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.

13501. The commission shall select a chairman and a vice chairman from among its members. Five members of the commission shall constitute a quorum. The Attorney General shall summon the commission to its first meeting.

13502. Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary

travel expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the commission shall be deemed performance by a member of the duties of his local governmental employment.

13503. In carrying out its duties and responsibilities, the commission shall have all of the following powers:

(a) To meet at such times and places as it may deem proper;

(b) To employ an executive secretary and, pursuant to civil service, such clerical and technical assistants as may be necessary;

(c) To contract with such other agencies, public or private, or persons as it deems necessary, for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out its duties and responsibilities;

(d) To co-operate with and to secure the co-operation of county, city, and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions;

(e) To co-operate with and secure the co-operation of every department, agency, or instrumentality in the State Government;

(f) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

13504. The Attorney General shall, so far as compatible with other demands upon the personnel in the Department of Justice, make available to the commission the services of such personnel to assist the commission in the execution of the duties imposed upon it by this chapter.

13505. In exercising its functions the commission shall endeavor to minimize costs of administration, so that the greatest possible proportion of the funds available to it shall be expended for the purposes of providing training for local law enforcement officers. All expenses for the operation of the commission shall be a proper charge against the revenue accruing under the provisions of Article 3 (commencing with Section 13520).

13506. The commission may adopt such regulations as are necessary to carry out the purposes of this chapter.

Article 2. Standards for Recruitment and Training

13510. For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers

or peace officer members of a county sheriff's office, in any city, county, or city or county receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers and peace officer members of county sheriff's offices, which shall apply to those cities, counties, and cities and counties receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to the Administrative Procedure Act (Chapter 4 (commencing at Section 11370) and Chapter 5 (commencing at Section 11500) of Part 1, Division 3, Title 2 of the Government Code).

13511. In establishing standards for training, the commission may, so far as consistent with the purposes of this chapter, permit required training to be obtained at existing institutions approved by the commission.

13512. The commission shall make such inquiries as may be necessary to determine whether every city, county, and city and county receiving state aid pursuant to this chapter is adhering to the standards for recruitment and training established pursuant to this chapter.

Article 3. Peace Officers' Training Fund and Allocations Therefrom

13520. There is hereby created in the State Treasury a Peace Officers' Training Fund, which is hereby appropriated, without regard to fiscal years, exclusively for costs of administration and for grants to local governments pursuant to this chapter.

13521. On and after the effective date of this section, there shall be levied a penalty assessment in an amount equal to 5 percent of every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses, other than a fine, penalty or forfeiture for a violation of the Vehicle Code or any local ordinance relating to the stopping, standing, parking, or operation of a vehicle, and other than for a violation of the Fish and Game Code. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury pursuant to this section. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Peace Officers' Training Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the State by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

13522. Any city, county, or city and county which desires to receive state aid pursuant to this chapter shall make application to the commission for such aid. The application must be accompanied by a certified copy of an ordinance adopted by its governing body providing that while receiving any state aid pursuant to this chapter, the city, county or city and county will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request.

13523. The commission shall annually allocate and the State Treasurer shall pay from the Peace Officers' Training Fund to each city, county, and city and county which has applied and qualified for aid pursuant to this chapter a sum which will reimburse the city, county, or city and county in an amount not to exceed one-half of the salary paid to each peace officer meeting the recruitment standards and participating in training meeting the standards prescribed pursuant to this chapter, during the period covered by the allocation, plus one-half of necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence overnight. If the moneys in the Peace Officers' Training Fund budgeted by the commission for such salary reimbursement are insufficient to allocate such amount to each participating city, county, and city and county, the amount allocated to each shall be reduced proportionately. In no event shall any allocation be made to any city, county, or city and county which has not, throughout the period covered by the allocation, adhered to the recruitment and training standards established by the commission as applicable to personnel recruited or trained by such city, county, or city and county during such period.

Ralph M. Brown
Speaker of the Assembly

President of the Senate

Approved _____, 1959

Governor

RECEIVED
JAN 15 1959
GOVERNOR'S OFFICE
ALBANY, N.Y.